

MEDICINE BOARD[653]

Adopted and Filed Emergency

Rule making related to licensure of genetic counselors

The Board of Medicine hereby amends Chapter 20, “Licensure of Genetic Counselors,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code chapters 147, 148, 148H and 272C.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 148H.

Purpose and Summary

Chapter 20 establishes the requirements for licensure of genetic counselors. This rule making defines the types of informal and nonpublic actions an applicant must report to the Board as part of the license application process. This rule making indicates that the Board will accept a letter sent directly from the American Board of Genetic Counseling (ABGC) or the American Board of Medical Genetics and Genomics (ABMGG) to the Board as proof that an applicant has been granted active candidate status for provisional licensure. This rule making indicates that the licensure committee shall consult with an Iowa-licensed genetic counselor if the committee is unable to eliminate questions or concerns about an applicant. This rule making defines the practice of genetic counseling to include precision medicine and indicates that if an applicant has not engaged in active practice in the last three years in the United States, the Board shall consult with an Iowa-licensed genetic counselor to determine whether there is another option to demonstrate the applicant’s current clinical competency. This rule making creates an option for an employer-based pathway for an applicant to demonstrate current clinical competency if the applicant has not engaged in active practice in the past three years in the United States. This rule making indicates that the Board shall consult with an Iowa-licensed genetic counselor prior to denying a license.

*Reason for Adoption of Rule Making Without
Prior Notice and Opportunity for Public Participation*

Pursuant to Iowa Code section 17A.4(3), the Board finds that notice and public participation are unnecessary or impractical because the emergency adoption was approved by the Administrative Rules Review Committee. The Board recently adopted **ARC 4339C** (IAB 3/13/19) regarding the licensure of genetic counselors. After the Board adopted the rules, a representative for genetic counselors requested several minor amendments. At the April 5, 2019, meeting of the Administrative Rules Review Committee, the Board requested and was granted a 70-day delay of the effective date of the rules. The rules are necessary to implement Iowa Code chapter 148H, which became effective on January 1, 2019, and are necessary for the Board to begin licensing genetic counselors. The rules are administrative in nature and have not been controversial.

In compliance with Iowa Code section 17A.4(3)“a,” the Administrative Rules Review Committee at its May 14, 2019, meeting reviewed the Board’s determination and this rule making and approved the emergency adoption.

Reason for Waiver of Normal Effective Date

Pursuant to Iowa Code section 17A.5(2)“b”(1)(b), the Board also finds that the normal effective date of this rule making, 35 days after publication, should be waived and the rule making made effective

on May 15, 2019, because the Board recently adopted **ARC 4339C** regarding the licensure of genetic counselors. After the Board adopted the rules, a representative for genetic counselors requested several minor amendments. At the April 5, 2019, meeting of the Administrative Rules Review Committee, the Board requested and was granted a 70-day delay of the effective date of the rules. The Committee lifted the delay at its May 14, 2019, meeting. Waiving the normal effective date of this rule making and making the rules effective on May 15, 2019, confers a benefit on the public because the rules are necessary to implement Iowa Code chapter 148H, which became effective on January 1, 2019, and having the rules in effect allows the Board to begin licensing genetic counselors.

Adoption of Rule Making

This rule making was adopted by the Board on April 12, 2019.

Concurrent Publication of Notice of Intended Action

In addition to its adoption on an emergency basis, this rule making has been initiated through the normal rule-making process and is published herein under Notice of Intended Action as **ARC 4477C** to allow for public comment.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

This rule making will likely increase the pool of genetic counselors and increase access to genetic counseling services in Iowa. It will likely have a positive jobs impact, which is difficult to measure at this time.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 653—Chapter 3.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making became effective on May 15, 2019.

The following rule-making actions are adopted:

ITEM 1. Amend paragraphs **20.8(2)“f”** and **“h”** as follows:

f. A statement disclosing and explaining any informal or nonpublic actions, such as letters of warning, letters of education, any confidential retraining, or any kind of confidential action taken toward a genetic counselor's certification or license which is not public discipline; warnings issued, investigations conducted, or disciplinary actions taken, whether by voluntary agreement or formal action, by a medical, genetic counseling or professional regulatory authority, an educational institution, a training or research program, or a health facility in any jurisdiction;

h. A letter sent directly from the ABGC or ABMGG to the board verifying the applicant holds active certification in genetic counseling by the ABGC or ABMGG for genetic counselor licensure or

~~proof of active candidate status for provisional licensure~~ a letter sent directly from ABGC or ABMGG to the board verifying the applicant has been granted active candidate status for provisional licensure;

ITEM 2. Amend paragraphs **20.8(4)“a”** and **“b”** as follows:

a. Paying all fees charged by regulatory authorities, national ~~testing or credentialing~~ certifying organizations, health facilities, and educational institutions providing the information specified in subrule 20.8(2);

b. Providing accurate, up-to-date, and truthful information on the application form including, but not limited to, that specified under subrule 20.8(2) related to prior professional experience, education, training, active certification, licensure ~~or registration~~, and disciplinary history.

ITEM 3. Amend paragraph **20.8(5)“g”** as follows:

g. If the committee is not able to eliminate questions or concerns without dissension from staff or a committee member, and after consultation with an Iowa-licensed genetic counselor, the committee shall recommend that the board:

(1) and (2) No change.

(3) If an applicant has not engaged in the field of genetic counseling or precision medicine in the past three years in any jurisdiction of the United States, the board may, after consultation with an Iowa-licensed genetic counselor, require an applicant to:

1. and 2. No change.

3. ~~Successfully~~ If the genetic counselor is employed or has an offer of employment, successfully complete any other pathway as agreed upon by the board and the genetic counselor’s employer;

(4) to (7) No change.

ITEM 4. Amend subparagraph **20.8(5)“h”(3)** as follows:

(3) If an applicant has not engaged in the field of genetic counseling or precision medicine in the past three years in any jurisdiction of the United States, the board may, after consultation with an Iowa-licensed genetic counselor, require an applicant to:

1. and 2. No change.

3. ~~Successfully~~ If the genetic counselor is employed or has an offer of employment, successfully complete any other pathway as agreed upon by the board and the genetic counselor’s employer;

ITEM 5. Amend subrule 20.8(6), introductory paragraph, as follows:

20.8(6) *Grounds for denial of licensure.* The board, on the recommendation of the committee, and after consultation with an Iowa-licensed genetic counselor, may deny an application for licensure for any of the following reasons:

ITEM 6. Amend **20.10(1)“b”** as follows:

b. A letter sent directly from the ABGC or ABMGG to the board verifying that the applicant holds active certification in genetic counseling by the ABGC or ABMGG for genetic counselor licensure or ~~proof of active candidate status for provisional licensure~~ a letter sent directly from ABGC or ABMGG to the board verifying the applicant has been granted active candidate status for provisional licensure.

ITEM 7. Rescind paragraph **20.11(1)“d”** and adopt the following **new** paragraph in lieu thereof:

d. A letter sent directly from the ABGC or ABMGG to the board verifying the applicant holds active certification in genetic counseling by the ABGC or ABMGG for genetic counselor licensure or a letter sent directly from the ABGC or ABMGG to the board verifying the applicant has been granted active candidate status for provisional licensure.

ITEM 8. Amend subrule 20.11(2), introductory paragraph, as follows:

20.11(2) *Reinstatement for an applicant who has been out of practice for three years.* If an applicant for reinstatement has not engaged in the field of genetic counseling or precision medicine in the past three

years in any jurisdiction of the United States, the board may, after consultation with an Iowa-licensed genetic counselor, require an applicant to:

[Filed Emergency 5/14/19, effective 5/15/19]

[Published 6/5/19]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/5/19.